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OFFICE OF PETITIONS

In re Application of :
Claudine Guerin-Marchand et al :
Application No. 09/900,963 : DECISION GRANTING PETITION
Filed: July 10, 2001 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 010830-118 :
:

This is a decision on the petition under 37 CFR 1.137(b), filed December 7, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 27, 2004, which set a shortened statutory period for reply of one (1) month or thirty days, whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 28, 2004. A Notice of Abandonment was mailed on September 7, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) a reply; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final of July 27, 2004 is accepted as having been unintentionally delayed.

It is noted that an unsuccessful attempt to comply with the requirements 37 CFR 1.821 through 1.825 was made three times in this application. Accordingly, the granting of this petition is not an indication that the reply received with the petition to revive is now in compliance with the requirements of 37 CFR 1.821 through 1.825. However, a petition to revive may be granted if the submission appears to be a *bona fide* attempt to provide a complete reply to the last Office action. If the reply still does not comply with the requirements of 37 CFR 1.821 through 1.825, the Examiner may send out a communication giving a one (1) month shortened statutory period under 37 CFR 1.135(c) for

correction of the error or omission. If the applicant does not correct the omission within the time period set in the communication (including any extension), the application will again be abandoned.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1648 for appropriate action in the normal course of business on the reply received December 7, 2005.


Frances Hicks
Petitions Examiner
Office of Petitions